

## **Meeting Minutes**

### **Plan & Zoning Commission Meeting**

Tuesday, December 16, 2014

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

#### **CALL TO ORDER**

The December 16, 2014 meeting of the Plan & Zoning Commission was called to order at 6:30 pm by Chairman L.West.

#### **ROLL CALL**

Members present: T.Flack, D.Fliger, D.Godwin, G.Hunter, P.Mollenhauer, T.Ripper, L.Voigt, L.West.

Absent: S.Odson. Staff present: E.Jensen, E.Carstens, E.Bodeker, J.Gould, T.Kuhn.

#### **AMENDMENTS TO THE AGENDA**

Motion by D.Fliger to accept the agenda as submitted. Second by T.Flack. All voted aye. Motion carried 8 – 0.

#### **COMMUNICATIONS**

There were no communications.

#### **CITIZEN'S REQUEST**

There were no requests.

#### **CONSENT AGENDA ITEMS**

##### **Item #1. Minutes**

Motion to approve and accept the December 2, 2014 minutes of the Plan & Zoning Commission meeting.

##### **Item #2. 215 NW 18th Street – Lot 2 Northview Centre Plat 2 Site Plan**

Motion to approve the site plan for 215 NW 18th Street, Lot 2, Northview Centre Plat 2 subject to City Council approval of Northview Center Plat 2 Final Plat.

##### **Item #3. 1850 N Ankeny Blvd. – Taco Bell Site Plan**

Motion to approve the Taco Bell site plan at 1850 N Ankeny Blvd.

Referencing Item#2, Northview Centre Plat 2, Lot 2, G.Hunter asked if there are any special requirements because this property fronts on a private drive. E.Jensen responded that staff reviewed an easement document between Elwell, DRA and the school that covers the ongoing maintenance of the drive which indicated that it is the responsibility of the private parties. L.West asked what types of businesses are going in to allow a reduction in the number parking spaces. E.Jensen responded that uses will likely be lower impact office uses because there is no frontage onto the highway.

Motion by D.Godwin to approve the recommendations for Consent Agenda Items #1 - #3. Second by L.Voigt. All voted aye. Motion carried 8 – 0.

#### **BUSINESS ITEMS**

**Item #4. Finland Investment LLC request to amend the Comprehensive Plan Future Land Use Map from Medium Density Residential land use to Mixed Use 1 Neighborhood Commercial land use classification.**

**Staff Report:** J.Gould reported that the subject property is 1613 NE Delaware Ave, located on the southeast corner of the intersection of NE Delaware Ave. and NE 18<sup>th</sup> Street. The request is to amend

the 2010 Ankeny Comprehensive Plan from the existing Medium Density Residential land use to Mixed Use 1 Neighborhood Commercial classification. Presenting a portion of the land use map, J.Gould identified the west side of NE Delaware Avenue as low density residential, the majority of the east side is medium density residential with a small portion of high density residential adjacent to the interstate. Addressing questions and concerns raised during the public hearing, J.Gould explained that the Comprehensive Plan has a compatibility matrix that assesses the relationships between existing and proposed uses and how compatible those may or may not be. Mixed Use-1 next to Low Density Residential is rated as a 2, suggesting potential conflicts and indicating that a PUD is required to assess project impacts and define development design. The compatibility matrix rates Mixed Use-1 and Medium Density Residential as a 3 suggesting potential conflicts between adjacent uses and suggests a PUD. She stated that if the land use is amended as requested and rezoning takes place, the zoning code requires a minimum of 2 acres for a PUD. With this parcel being less than 2 acres, a PUD would not be possible so zoning would need to be C-1 or C-2 with recommended conditions.

Regarding the history of the area, J.Gould reported that the property on the west side of NE Delaware Avenue has been Low Density Residential for some time, it is all zoned R-1 and R-2, which allows single family residential and two-family residential in addition to churches and other civic uses. The Medium Density Residential and High Density Residential on the east side allows for R-3 zoning, HDR recommends a density of 11- 18 dwelling units per acre. Zoning around this parcel is all R-1 with the exception of Windsor Village which was rezoned to R-3A in 2006. It was allowed to develop as high density residential, however the site plan was approved at approximately 7 dwelling units per acre. In 2007, the land use on a nine acre parcel located on the northeast corner of NE 18<sup>th</sup> Street and NE Delaware Avenue was amended to Medium Density Residential for a proposed condominium development. There has been no further action on the property since that time.

In response to questions about the reconstruction of NE Delaware Avenue and NE 18<sup>th</sup> Street Improvements, J.Gould stated that the current approved CIP calls for reconstruction of NE Delaware Avenue to 4 lanes with turn lanes and a new stop light at NE 18<sup>th</sup> Street; however, at this time the CIP is under revision and the CIP proposed for Council approval in January has moved the project to 2019. There are no plans for construction of an 18<sup>th</sup> Street bridge to cross the interstate. When this property is eventually developed, additional right of way will be needed along both NE 18<sup>th</sup> Street and NE Delaware Avenue and likely would be required to be dedicated at the time the property is platted.

Regarding questions on signage raised during the public hearing, J.Gould explained that in 1999 an Ordinance was passed requiring public hearing notification be placed on the property. In 2000, the ordinance was amended adding sign and letter size requirements in relation to the roadway speed. The signage placed on the property complies with code requirements.

J.Gould stated that it's not uncommon to see commercial land use designations at the intersections of major arterials and collectors, they occur at other intersection along 18<sup>th</sup> Street. Typically the commercial designation is surrounded by medium density designation. An intersection similar to this would be Irvinedale and W. First Street, with commercial on the southeast corner surrounded by residential. The intent of Mixed Use 1 is to allow a neighborhood commercial setting, with small scale businesses, such as office, professional services, and small retail uses to provide a daily convenience for nearby residents. Mixed Use 1 is described to generally serve 10,000-20,000 people, within approximately a 1 mile radius. If this land use amendment is approved the applicant would have to follow through with a rezoning, final plat and site plan approval. Any rezoning would likely come with a

recommendation from staff with strict conditions that limit permitted uses. The staff recommendation is that the Plan and Zoning Commission recommend the City Council amend the 2010 Ankeny Comprehensive Plan from Medium Density Residential to Mixed Use 1: Neighborhood Commercial.

D.Godwin asked why property wasn't designated as commercial in the Comp Plan. E.Jensen responded that most likely because there was a home existing on the property. D.Godwin commented that if this goes forward and is changed, he assumes the property to the north might do the same thing. T.Flack suggested that the Commission could be strict in what is allowed and how the property is developed. E.Jensen said uses can be restricted through conditional rezoning, compatibility can be controlled during the site plan process. D.Godwin said that property owners can always come back through the process and have restrictions removed. L.Voigt asked if staff has concerns with setting a precedence. E.Jensen responded that NW 18<sup>th</sup> Street and NW Irvinedale is a very similar intersection with a small node of restricted commercial that developed as a daycare and low density directly across the street. L.Voigt said that this is such a small piece to change the land use on and asked if that has been done in the past. T.Flack said that a similar land use plan amendment was approved recently in Briarwood for property surrounded by park and residential uses. She also is considering the vet clinic on NW 18<sup>th</sup> Street that is completely surrounded by residential. She said is concerned that a precedent is set but noted that almost every intersection has a mixed use designation. G.Hunter said he would prefer to have the proposed business use which would require access from NE 18<sup>th</sup> Street rather than NE Delaware Avenue because of the proximity to the stop light and it would have less of an impact on traffic than higher density residential units. He added that he doesn't want a convenience store or fast food, but a professional office would be a fit and requirements can be placed on the design.

D.Fliger said he does not believe the proposal fits, it's not compatible with the surrounding area, he sees no public benefit and it's inconsistent with the comprehensive plan. He referenced Comprehensive Plan Figure 5.14 Growth Areas Commercial Centers, noting that this area is not designated as a future neighborhood commercial growth area. He said although this is just a land use proposal, he questioned if future rezoning of this parcel could be considered "spot zoning". D.Fliger said that years ago, a church property surrounded by residential on W First Street was proposed as commercial and the Commission did not allow that to happen. He added that he believes a neighborhood node would be more than one business and it would be businesses that people in the neighborhood could use. He said that the daycare referred to on NW 18<sup>th</sup> Street and NW Irvinedale Drive was planned, this area was never planned to be commercial, there was even reluctance to allow R-3. T.Flack asked if he would be in favor of a church on that site. D.Fliger responded that the Commission has no control over that.

D.Godwin said that he agrees with D.Fliger, this entire area is planned as residential, if there was commercial on the other corners, it would be different. He added that there is no shortage of commercial property in the area and if this property becomes commercial it is likely the property to the north will become commercial as well.

T.Ripper asked for an explanation of "spot zoning". E.Jensen responded that it is the rezoning of a single parcel for a specific use. P.Mollenhauer asked if this request could be considered "spot zoning". E.Jensen responded that there were a number of considerations. The biggest concern is that once the land use is changed it is important for the Commission and Council to hold the uses to the intent during the rezoning process. E.Carstens said that if this change was requested just to make the property marketable, rather than for the use identified, staff's recommendation would have been

different. G.Hunter said he would rather see a single story office use, rather than a multi-story condominium use at that location. T.Flack agreed, stating that she would prefer that rather than a church use. D.Godwin cautioned that if this goes forward, developers will seek to purchase a residential property and change the zoning rather than pay the cost of commercial property. L.Voigt said he is concerned about setting a precedence. D.Fliger said he believes it's incompatible with the City's plan and he can see no overwhelming reason to change it.

Motion by D.Fliger that the Plan & Zoning Commission not recommend City Council approval of the request to amend the 2010 Ankeny Comprehensive Plan Future Land Use Map (Figure 5.13) for property owned by Finnland Investments, LLC, from Medium Density Residential land use to Mixed Use 1 Neighborhood Commercial land use classification. Second by D.Godwin. Motion carried 5 – 3. (nay: G.Hunter, P.Mollenhauer, T.Ripper)

#### **Item #5. Crosswinds Business Park Neighborhood Plan #2 Amendment**

**Staff Report:** J.Gould reported that the request is to amend the Crosswinds Business Park Neighborhood Plan #2. She presented an aerial map and identified the location as south of the intersection of SE Corporate Woods Drive and SE Crosswinds Drive. She reported that in September of this year, the Commission approved an amendment to the Crosswinds Business Park Neighborhood Plan which added lots to the south and changed the Master Plan to address the additional lots. This amendment proposes additional warehouse uses for lots 2,3 4, 8 & 9 currently with a designated land use of Flex, which is described as office, distribution, light manufacturing, showrooms, laboratories, or other research and development functions. The proposal is to develop the five lots as spec, multi-tenant buildings that would be a combination of flex and warehouse users

G.Hunter asked if the streets are designed to handle the truck traffic that will come with warehousing. E.Jensen responded that the Master Plan included an array of different options, the streets were built to handle those.

D.Fliger asked what the impact of this change is. J.Gould responded that the plan identified warehousing as occurring more toward the southern end of the development. D.Fliger asked if this will enhance development, not inhibit it. J.Gould responded that that is the desire. D.Godwin asked if this is likely to end up as mostly industrial, adding that the market in not office. E.Jensen said that there were a number of different options in the master plan, it was intentionally written to allow flexibility so development can occur.

Steve Niebuhr, Hubbell Realty 6900 Westown Parkway, West Des Moines, IA explained that Hubbell is proposing to purchase 40 acres and in reviewing the neighborhood plan document it was unclear if warehouses uses would be allowed. He said their plan is similar to what has occurred along NW Urbandale Drive, north of 100<sup>th</sup> Street in Urbandale, with office, warehouse and some distribution.

Motion by T.Ripper to recommend City Council approve the request to amend the Crosswinds Business Park Neighborhood Plan #2. Second by T.Flack. All voted aye. Motion carried 8 – 0.

#### **Item #6. Briar Creek South Plat 2 Street Lot C Right-of-Way Vacation**

**Staff Report:** E.Bodeker reported the City has received a request to vacate the NE 22nd Court right-of-way east of NE Delaware Avenue north of NE 18th Street. She stated that this portion of ROW was deeded to the City of Ankeny as Street lot C with Briar Creek South Plat 2. The intent of the property

owner is to combine the 4 lots, acquire the NE 22nd Court right-of-way and build a single family residential home on the combined lots. City staff has reviewed the vacation request and has determined that the vacation request is appropriate and the Plan & Zoning Commission recommends City Council approval of the request to vacate the Briar Creek South Plat 2 Street Lot C right-of-way.

Motion by D.Godwin to recommend City Council approve the request to vacate the Briar Creek South Plat 2 Street Lot C Right-of-Way. Second by D.Fliger. All voted aye. Motion carried 8 – 0.

## **REPORTS**

### **City Council Meeting**

T.Ripper reported on his attendance at the December 15<sup>th</sup> City Council meeting. He asked E.Jensen to further explain the request during the public forum to move detention located on a residential lot onto city owned park property.

### **Director's Report**

E.Jensen presented the tentative agenda items for the January 6, 2015 meeting.

### **Commissioner's Reports**

P.Mollenhauer reported on the Iowa Public Health Association's Legislative Forum.

L.West commented that the NW 36th Street roadway, west of Rock Creek Elementary is in poor condition. E.Jensen said that part of the NW 36<sup>th</sup> Street Improvement project, the overlay on a portion of NW 36<sup>th</sup> Street may have been delayed.

D.Fliger reported a Census worker came to his home last week and the new count is underway.

## **MISCELLANEOUS ITEMS**

L.West will attend the January 5, 2015 City Council meeting.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:20 pm.

Submitted by Trish Kuhn, Secretary

Plan & Zoning Commission